



IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

PARKER POE,	)	
	)	
v.	)	Case No. 3:24-cv-00368
	)	
DR. MELANIE LOWE, <i>et al.</i> ,	)	

**MOTION TO EXTEND DISCOVERY-RELATED MOTIONS DEADLINE AND  
EXPERT DEADLINE IN SECOND CASE MANAGEMENT ORDER**

Plaintiff moves to extend the deadlines for discovery motions and expert reports established in this Court’s Second Case Management Order (Dkt. 157) and subsequent order (Dkt. 195). Plaintiff has consulted with counsel for the defendants prior to filing this motion, and all parties consent to this extension of the deadlines.<sup>1</sup>

**BACKGROUND**

Under the current case management order, expert reports are due September 15, 2025, and discovery motions are due September 30, 2025 (Dkt. 157 & 195). Plaintiff now moves to extend these deadlines because Plaintiff is still waiting on a substantial volume of document discovery from Vanderbilt.

Much of the requested discovery consists of educational records protected by FERPA. These records—central to Plaintiff’s claims—include materials related to Simon Roe and other Vanderbilt students who posted about Roe’s alleged history of committing sexual assault. Vanderbilt contends that FERPA-protected materials

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<sup>1</sup> The defendants request a corresponding extension of their deadline to file expert reports. In addition, while the defendants do not oppose this motion, they do not agree with the characterizations contained within this motion.

require a court order for production. Plaintiff therefore filed unopposed motions on June 27, 2025, seeking such orders (Dkt. Nos. 172-178). Vanderbilt provided the required notice, and no students objected within the prescribed period.

The Court has not yet ruled on the FERPA motions. Consequently, Plaintiff remains unable to access a substantial volume of discovery essential to evaluating potential discovery disputes and formulating any necessary motions. This includes correspondence between Neil Jamerson and Simon Roe's father, and internal correspondence about Simon Roe's father—both of which go to the heart of Plaintiff's breach of contract claim. It also includes materials subject to follow-up search terms for email records that the parties have discussed extensively.

Beyond the FERPA materials, Vanderbilt has not yet produced other responsive documents referenced in the Second Amended Complaint. For example, Vanderbilt has not produced a March 5, 2023 email exchange between Jeremy Bourgoin and Lisa Clapper. In that exchange, Bourgoin highlighted the timing of Parker Poe's student accountability outcome, and Clapper responded, "His parents better have flow there. lol." These emails, and others like it, are essential for Plaintiff's behavioral intervention and threat assessment expert to review.

### **ARGUMENT**

The current deadlines assume parties have reasonable access to discoverable materials so they can assess compliance and experts can form opinions. Here, substantial discovery remains beyond Plaintiff's reach pending court orders. Vanderbilt has represented that the volume of FERPA-protected materials is

significant. Without access to these records, Plaintiff cannot meaningfully evaluate Vanderbilt's discovery responses or determine whether additional discovery motions are warranted. Requiring Plaintiff to meet the current deadline would mandate motion practice in an informational vacuum. At the same time, Plaintiff's experts cannot review the underlying emails to provide fully formed opinions.<sup>2</sup>

All parties agree that extending these deadlines serves judicial economy. The extension will allow informed motion practice and fully formed expert opinions once the FERPA materials are available. Without the missing discovery, the current deadlines cannot reasonably be met. A brief extension will enable focused motion practice once all materials are available.

### **CONCLUSION**

Plaintiff requests that this Court extend the deadlines for discovery motions and expert reports to October 15, 2025.

Respectfully submitted,

/s/ Edward J. Canter

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<sup>2</sup> Plaintiff requests only a targeted extension to avoid broader schedule disruption while obtaining essential discovery materials.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2025, a true and correct copy of the foregoing motion has been served via the court's CM/ECF system upon all counsel of record.

*/s/ Edward J. Canter*

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Edward J. Canter